

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PACIFIC CHOICE SEAFOOD COMPANY,
et al.,

Plaintiffs,

v.

PENNY PRITZKER, et al.,

Defendants.

Case No. 15-cv-05572-HSG

**ORDER DENYING DEFENDANTS'
MOTION TO EXTEND TIME TO FILE
ADMINISTRATIVE RECORD**

Re: Dkt. No. 23

On February 2, 2016, Defendants filed a motion to extend time to file an administrative record under 16 U.S.C. § 1855(f). Dkt. No. 23. Plaintiffs opposed Defendants' motion on February 5, 2016. Dkt. No. 26. For the following reasons, the Court hereby DENIES Defendants' motion.

I. LEGAL STANDARD

Federal regulations promulgated by the Secretary of the Department of Commerce are subject to timely requests for judicial review. 16 U.S.C. § 1855(f)(1). Under 16 U.S.C. § 1855(f)(3), "the Secretary shall file a response to any petition" that "shall include a copy of the administrative record for the regulations that are the subject of the petition" "not later than 45 days after the date the Secretary is served with that petition." 16 U.S.C. § 1855(f)(3). The Court may extend the deadline to file the administrative record "for good cause." *Id.*

II. DISCUSSION

Defendants assert that good cause to extend the deadline exists here because Defendants have filed a motion to dismiss. Dkt. No. 45 at ¶ 3. However, Defendants failed to comply with Civil Local Rule 6-3, which requires a declaration setting forth the reasons for the requested enlargement of time and identifying the substantial harm or prejudice that would occur if the Court

1 does not grant the motion. *See* Civ. L. R. 6-3.

2 Moreover, Defendants' Motion to Extend Time contains no allegations to support a finding
3 that production of the administrative record here is more burdensome than in any other action
4 challenging the Secretary's promulgations. *See* Dkt. No. 23. Defendants essentially ask this
5 Court to declare that in any action in which the Secretary files a motion to dismiss, the
6 government need not comply with the requirements of 16 U.S.C. § 1855(f)(3) in order "to
7 conserve[e] limited agency resources." *See id.* ¶ 4. This cannot be correct given Congress's clear
8 direction that the Court "shall expedite the matter in every possible way." 16 U.S.C. § 1855(f)(4).


9 Accordingly, the Court DENIES Defendants' Motion to Extend Time.

10 **III. CONCLUSION**

11 For the aforementioned reasons, the Court DENIES Defendants' motion to extend time to
12 file the administrative record. Because Defendants waited until the 45-day time period to file the
13 administrative record had run before bringing this motion, *see* Dkt. No. 23, Defendants should
14 have already gathered the administrative record in anticipation of production. As such,
15 Defendants shall file an answer that includes the administrative record within 7 days of this Order.

16 **IT IS SO ORDERED.**

17 Dated: February 19, 2016

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19 HAYWOOD S. GILLIAM, JR.
20 United States District Judge
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